

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 14, 2006

COUNCIL DISTRICT: 10

SNI AREA: None

SUBJECT: GP 05-10-01: GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE *SAN JOSE 2020 GENERAL PLAN* LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM ADMINISTRATIVE OFFICE/ RESEARCH AND DEVELOPMENT TO MEDIUM LOW DENSITY RESIDENTIAL (8 DU/AC) ON AN APPROXIMATELY 15.83-ACRE SITE LOCATED ON THE WEST SIDE OF GUADALUPE MINES ROAD, APPROXIMATELY 1,800 FEET SOUTHERLY OF CAMDEN AVENUE (6401, 6409 AND 6411 GUADALUPE MINES ROAD).

RECOMMENDATION

The Planning Commission voted 5-0-1 (Commissioner Platten absent) to recommend approval of the General Plan amendment request to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Administrative Office/ Research and Development to Medium Low Density Residential (8 DU/AC) on an approximately 15.83-acre site located on the west side of Guadalupe mines road, approximately 550 north of Rock Avenue.

OUTCOMES

City Council approval of the proposal would change the land use designation on the subject site from Administrative Office/Research and Development to Medium Low Density Residential (8 DU/AC) on an approximately 15.83-acre site.

BACKGROUND

On April 12, 2006, the Planning Commission held a public hearing to consider a privately-initiated General Plan amendment request to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Administrative Office/ Research and Development to Medium Low Density Residential (8 DU/AC) on an approximately 15.83-acre site located on the west side of Guadalupe Mines Road (6401, 6409 and 6411 Guadalupe Mines Road). The Director of Planning, Building and Code Enforcement recommended approval of the proposed General Plan amendment.

ANALYSIS

Planning staff distributed a supplemental memo addressing issues raised in a letter from the superintendent of the Los Gatos Union School District as well as other minor corrections to the staff report (see attached).

The staff reported that the requested General Plan amendment was consistent with three of the seven Major Strategies in the General Plan and inconsistent with the Economic Development Major Strategy. If approved the proposal would not trigger concerns regarding the proposal's potential to induce future industrial conversions due the site's isolated location and not being located within an existing planned industrial sub area.

The applicant Tim Steele commended the staff in putting a good report together and said, therefore he did not see any need for additional comments and that he was available to answer questions.

Phil Couchee of Los Gatos Union School District spoke in opposition to the project. He stated that the district is a Basic Aid district with approximately 2000 students and the proposed amendment could generate 50 to 100 more students, a 2% - 4% increase. He stated that this would cause a significant increase in operating expenses, which is not covered by the one-time developer fees required by state law, which are intended only for capital facilities. The School District also receives Property Taxes, which would not be commensurate with the expenses incurred due to the increased number of students. He questioned the conclusion of the Initial Study which stated that there would be no significant impact to the school district from the proposed General Plan amendment.

Brent Graham, a resident across Guadalupe Mines Road from the amendment site stated that he felt the main concerns of the neighborhood with the previous proposed designation of Medium Density Residential (8 - 16 Dwelling Units Per Acre) had been resolved by the applicant's revised request for Medium-Low Density Residential (8 Dwelling Units Per Acre). He acknowledged that the neighborhood had benefited from the underutilized industrial site and the reduced traffic that resulted from the site not being completely occupied. He was in support of the proposed amendment.

Commissioner Campos wanted to know if the Federal Express operation on the site was an administrative office or a distribution center, and wanted to know if the company would be leaving the site. Commissioner Zito was concerned about losing 350 jobs on site and within San Jose. Tim Steele stated that there are two existing buildings on the site, totaling approximately 176,000 square feet. The larger of the two buildings is occupied by the West Coast Distribution administrative offices of Federal Express (Fed Ex), with approximately 350 employees. The other building is unoccupied. There is also a concrete pad for a third building that is not intended to be constructed. Mr. Steele stated that Fed Ex still has several years left on their lease and that they have stated they are not interested in moving at the present time.

Commission Chair Dhillon wanted to know why Planning staff was giving up the idea of industrial land use on the amendment site with the potential for reverse commute. He also wanted to know more about the potential impact of the nearby land fill site and about the few parcels designated Industrial Park located to the north of the amendment site. Planning staff explained that the loss of

April 14, 2006

Subject: GP05-10-01

Page 3

the industrial land at this location was not considered significant because this is an isolated site, not part of a larger employment area where there is a concern about triggering future employment land conversions and that the proposed residential use would fit best into the surrounding residential area. Regarding potential impacts from the landfill site, staff stated that the active area of the landfill operation is over 2000 feet from the amendment site and the Initial Study prepared for the proposed amendment did not identify any significant impacts from the landfill operation.

In response to a question from Commissioner Levy regarding the City's ability to address the school impact issue, Senior Deputy City Attorney Gurza explained that a General Plan amendment is a quasi-legislative action by the City and that the Commission can consider school impacts or other issues in making its decision on the proposed amendment.

In response to a question from Commissioner Levy, Mr. Couche, of the school district explained that some schools in the district are at capacity and remodeling has been undertaken to eliminate existing portable buildings at various school sites. Commissioner Levy stated that attendance boundary adjustments may have to be made to accommodate the future students from this development.

Commissioner Campos moved approval of the proposed General Plan amendment, stating that the proposed Medium-Low Density designation was compatible with the requests of the neighborhood.

PUBLIC OUTREACH

Public outreach has been conducted in conformance with the City's Public Outreach Policy. The property owners and occupants within a 1,000-foot radius of the subject site were sent notices regarding a community meeting that was held on February 6, 2006. They also received notices by mail regarding the Planning Commission and City Council public hearings. Information on the City's website was made available. Correspondence between staff and community members also occurred.

COORDINATION

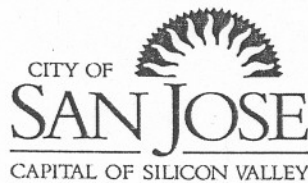
The review of this General Plan amendment request was coordinated with the San Jose Department of Public Works, Fire Department, Department of Transportation, Department of Parks, Recreation and Neighborhood Services, Environmental Services Department, and the Local Enforcement Agency.

CEQA

A Mitigated Negative Declaration was adopted on April 12, 2006.


to JOSEPH HORWEDEL, SECRETARY
Planning Commission

Attachment: Supplemental Memo dated April 12, 2006



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 12, 2006

COUNCIL DISTRICT: 10

SUBJECT: GP05-10-01. General Plan amendment request to change the San Jose 2020 Land Use/Transportation Diagram designation from Administrative Office/ Research and Development to Medium Low Density Residential (8 DU/AC) on an approximately 15.83-acre site located on the west side of Guadalupe Mines Road approximately 1,800 feet southerly of Camden Avenue (6401, 6409 and 6411 Guadalupe Mines Road).

SUPPLEMENTAL MEMO

Planning staff received a letter from the Los Gatos Union School District dated April 6, 2006 that staff is distributing to the Planning Commission as an attachment to this memo (see attachment). The letter indicates that the addition of new students from a future development would cause significant impacts to the school district. The Initial Study prepared for the proposed General Plan amendment describes the existing conditions in the project area schools and identifies that implementation of the General Plan amendment could add students to the District in the future. Secondly, the Initial Study states that the payment of school impact fees is the appropriate mitigation under State law. The current project does not propose a specific development for the site at this time. When redevelopment of the site is proposed, the developer would be required to pay school impact fees.

In addition, staff would like to clarify and correct some items in the staff report previously submitted to the Planning Commission for the April 12, 2006 public hearing. These clarifications and corrections are as follows:

1. School Impact Fee:

The *Community Outreach* section of the staff report indicates, "State law requires that the residential developers enter into agreements with school districts regarding funding to address school impacts prior to issuance of building permits."

This statement should be revised to read:

"The developer of the site will be required to pay school impact fees consistent with the requirements of the California Government Code when redevelopment of the site is proposed in future."

2. Total Number of Units:

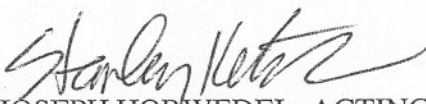
The *Land Use Compatibility* section of the staff report (page 6, paragraph 4, line 2) indicates the site could yield approximately 115 units at 8 DU/AC. The number of units stated reflects general assumptions for calculating typical net acreage that accounts for dedication for public right-of-way, open space, etc., that may be required at the time of future development. However, the Mitigated Negative Declaration provides environmental clearance for residential uses at a density that assumes up to 126 units on the subject site.

3. Existing Buildings:

The *Project Description* section of the staff report (page 3, paragraph 2, line 6) states: "...a residential condominium building pad on the northern portion..."

It should read as: "...a residential-type structure, and a building pad for an industrial/office building on the northern portion..."

The above-referenced residential structure is located at 6411 Guadalupe Mines Road to the south of the bigger of the two existing office buildings on the site. The residential structure is discussed in the Initial Study for the proposed General Plan amendment. It is a two-story structure. The applicant has stated that it was a caretaker building in the past and is currently used by the tenant, Federal Express, as a service space for its facilities department.


for JOSEPH HORWEDEL, ACTING DIRECTOR
Planning, Building and Code Enforcement

Attachment: Letter from Los Gatos Union School District

Los Gatos Union School District
17010 Roberts Road
Los Gatos, CA 95032-4510
Phone: (408) 335-2000
Fax: (408) 395-6481
www.lgusd.k12.ca.us



Suzanne Boxer-Gassman, Ed.D., Superintendent

April 6, 2006

TO: San Jose Planning Commission

FROM: Dr. Suzanne Boxer-Gassman
Superintendent
Los Gatos Union School District

SUBJECT: GUADALUPE MINES RESIDENTIAL GENERAL PLAN

The purpose of this letter is to make a statement of concern regarding the proposed Guadalupe Mines Residential Plan.

The Initial Study Report indicates that 8 dwellings on each of the 15.83 acres would not have a significant impact on the Los Gatos Union School District. The purpose of this letter is to bring to your attention the fact that the addition of these students **would** have a significant and possibly harmful effect on the district's finances.

The district is a Basic Aide district and therefore its funding does not increase when additional students come into the district. Your study suggests that this project could bring at least 44 students to the district (which may be unrealistically low). If the district were funded in the same way most other districts are, each new student would also generate additional funding from the state. In our case, additional on-going funding to support the education of these children would not be available and would decrease the amount of funding we would have to spend on each child in the district. If there were 44 additional students, depending upon the age of the students, we would need to hire possibly two or more full time teachers to serve those students. (K-3 are staffed at 20/1 and 4-8 at 25.5/1). The current average cost of one teacher with all burdens is approximately \$80,000 ($2 \times \$80,000 = \$160,000$). This initial cost would increase annually.

Thank you very much for your consideration. If additional questions arise, please do not hesitate to contact me.